REMARKS

This amendment is submitted along with a request for two months extension and appropriate fee in reply to the Office Action dated November 16, 2005. Claims 1-20 currently stand rejected. Applicants have amended claims 1, 4, 7 and 11. Applicants have added new claims 21-26. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present application.

Double Patenting Rejections

Claims 1-18 stand provisionally rejected for statutory type double patenting under 35 U.S.C. §101 as claiming the same invention as that of claims 1-18 of U.S. Patent Application No. 10/024,717. However, U.S. Patent Application No. 10/024,717 was abandoned as of April 18, 2005, and thus Applicants submit that the provisional rejection for double patenting is now moot.

Claim Rejections - 35 USC §103

Claims 1-8 and 10-20 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Omoigui (U.S. Patent Application Publication No. 2003/0126136) in view of Facenda (U.S. Patent No. 6,569,604). Claim 9 currently stands rejected under 35 U.S.C. §103(a) as being unpatentable over Omoigui in view of Facenda and further in view of Schilit et al. (U.S. Patent No. 6,674,453).

An embodiment of the claimed invention, for example, in independent claim 1 is directed to a method of quickly accessing links in a XHTML document too large to be seen in its entirety on a small screen such as on a mobile device. The method involves collating elements in the XHTML document that have an accesskey attribute and displaying a list of the collated elements. In this regard, Applicants have amended independent claims 1 and 7 to recite, *inter alia*, hypermedia that includes at least one element that has a predetermined attribute whereby a dynamically assignable keyboard shortcut for the user agent actuates a predetermined functionality associated with the at least one element and collating data corresponding to the at least one elements in the hypermedia that have been assigned a keyboard shortcut using the

<u>predetermined attribute</u>. In other words, the predetermined attribute is a prerequisite for an element to be displayed as the collated data. Thus, the fact that a keyboard shortcut has been assigned based on the predetermined attribute indicates that an element should be displayed.

Omoigui is directed to an integrated system for knowledge retrieval, management, delivery and presentation. Users submit queries from a client to a server that maintains and holds information about objects to be retrieved. The server performs a search for data objects based on a query and returns information to the client about objects discovered in the search. The objects may be, for example, links, calendar items, emails, address book items or documents and multimedia objects stored in client memory. The client receives information and presents search results to the user according to a predetermined and customizable theme or skin (paragraph [0284]). The search results are then sent to the client in schematic results mark-up language (SRML) in order to permit clients to render the same search results in different ways depending upon a current skin selected. There is no relationship between elements "collated" in Omoigui and a keyboard shortcut. More specifically, Omoigui fails to provide any such teaching of keyboard shortcuts playing any role in collating elements. Accordingly, Omoigui fails to teach or suggest <u>collating data corresponding to the at least one elements in the hypermedia that have been assigned a keyboard shortcut using the predetermined attribute</u> as claimed in independent claims 1 and 7.

Fascenda discloses the use of features such as keyboard shortcuts. However, Fascenda fails to cure the deficiency of Omoigui. In particular, Fascenda discloses the use of accesskey attributes in a conventional manner. In other words, Fascenda discloses execution of a function associated with an element in a hypermedia document by operation of a key. In contrast, the claimed invention recites <u>collating data corresponding to the at least one elements in the hypermedia that have been assigned a keyboard shortcut using the predetermined attribute</u>. Fascenda fails to provide any disclosure suggesting collating any data corresponding to elements that have been assigned a shortcut using a predetermined attribute. In other words, Fascenda fails to disclose that the predetermined attribute is a prerequisite for an element to be displayed as the collated data as is required under the recitation of independent claims 1 and 7. Accordingly, Fascenda fails to teach or suggest <u>collating data corresponding to the at least one</u>

elements in the hypermedia that have been assigned a keyboard shortcut using the predetermined attribute as claimed in independent claims 1 and 7.

Schilit also fails to teach or suggest collating data corresponding to the at least one elements in the hypermedia that have been assigned a keyboard shortcut using the predetermined attribute as claimed in independent claims 1 and 7 and is not cited as such.

Since none of the cited references alone teach or suggest collating data corresponding to the at least one elements in the hypermedia that have been assigned a keyboard shortcut using the predetermined attribute as claimed in independent claims 1 and 7, any combination of the cited references likewise fails to render independent claims 1 and 7 obvious for at least the same reasons described above.

Furthermore, even if it were assumed for the sake of argument that the combination of Omoigui and Fascenda met the claims (an assumption with which Applicants expressly disagree), there is still no motivation to combine Omoigui and Fascenda. In this regard, a teaching or motivation to combine the references is essential in order to properly combine references. *In re Fine*, 337 F.2d 1071, 1075 (Fed. Cir. 1988). In fact, the Court of Appeals for the Federal Circuit has stated that, "[c]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999). Although the evidence of a suggestion, teaching, or motivation to combine the references commonly comes from the prior art references themselves, the suggestion, teaching, or motivation can come from the knowledge of one of ordinary skill in the art or the nature of the problem to be solved. *Id.* In any event, **the showing must be clear and particular** and "[b]road conclusory statements regarding the teaching effect of multiple references, standing alone, are not 'evidence'." *Id.* The Office Action states that one of skill in the art would have been motivated to modify Omoigui in view of Fascenda to optimize the advantage of the hypermedia system. However, the Applicant seasonably challenges this assertion in the Office Action as being a broad conclusory statement which, standing alone, is not "evidence", as required under the patent laws, of motivation to combine the cited references. Such a broad statement does not provide evidence of motivation for one seeking to collate data

corresponding to elements in hypermedia that have been assigned a keyboard shortcut using a predetermined attribute to combine Omoigui and Fascenda. This is particularly evident in light of the respective teachings of each of the references, which fail to motivate such a combination.

In this regard, Omoigui is directed to finding and storing documents on the World Wide Web, emails, calendar items, address book entries and locally stored documents. Thus, if accesskey attributes such as predetermined attributes associated with a keyboard shortcut were used to indicate which objects are to be stored (i.e., collated), objects that do not support accesskey attributes, such as calendar items, emails, address book entries and locally stored documents would not be stored and thus, the whole idea of Omoigui would be compromised. Accordingly, one skilled in the art would not modify Omoigui in a way that would arrive at usage of elements having been assigned a keyboard shortcut as recited in independent claims 1 and 7.

Omoigui also refers to hypermedia which could be contents of a database searched by a server to find objects to store in the database. However, a skilled person would not amend a subset of objects stored in the database to be assigned a keyboard shortcut using a predetermined attribute to indicate which elements should be collated, since if the objects were not to be collated there would be no point in storing them in the database.

Omoigui also refers to hypermedia which could refer to SRML data. However, a skilled person would not modify the SRML code to have accesskey attributes to indicate which objects are to be displayed to the user, since if the objects were not to be displayed to the user, they would not be included in the SRML code in the first place. Moreover, it would not make sense to add accesskey attributes to objects in the database for the purpose of specifying that the objects should be collated since the fact that the objects are stored in the database is itself indicative that the objects should be collated. Additionally, the purpose for the conventional use of accesskey attributes as disclosed in Fascenda is to facilitate user interaction. However, a user of Omoigui would never directly interact with the SRML code or the database. Thus, one skilled in the art would not be motivated to add accesskey attributes to either the objects stored in the database or the SRML code. Moreover, an important feature of Omoigui is that the presentation format of the search results is not pre-defined on the server, but is selected on the client. Thus,

one skilled in the art would not be motivated to add a user interaction feature to the SRML code at the server before it is sent, since this would counteract the purpose of the SRML code and the skin, i.e., to define all the presentation features at the client side.

Accordingly, for all the reasons above, Applicants respectfully submit that there is no motivation to combine the references. Since Omoigui and Fascenda cannot properly be combined, it is respectfully submitted that the rejections of all claims based on the combination of these references is overcome.

Independent claims 11, 19 and 20 each include recitations substantially similar to those of independent claims 1 and 7 with respect to the hypermedia. Thus, independent claims 11, 19 and 20 are patentable for at least those reasons given above for independent claims 1 and 7. Claims 2-6, 8-10 and 12-18 depend either directly or indirectly from respective independent claims 1, 7 and 11, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 2-6, 8-10 and 12-18 are patentable for at least those reasons given above for independent claims 1, 7 and 11.

Accordingly, for all the reasons above, Applicants respectfully submit that the rejections of claims 1-20 are overcome.

Newly Added Claims

Applicants have added new claims 21-26 to more particularly define aspects of the present application. The new claims include no new matter and are fully supported by the specification and the drawings of the present application.

Accordingly, it is believed that the new claims are in condition for allowance.

CONCLUSION

In view of the amendment and remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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